

HOOVER POLICE DEPARTMENT STANDARD OPERATING PROCEDURES

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SUBJECT: USE OF FORCE PROCEDURES - Levels of Resistance	APPROVED BY: Nicholas C. Derzis, Chief of Police	

Purpose:

The purpose of this policy is to describe the types of resistance that a police officer may encounter when placing a suspect under arrest.

Resistance is defined as the force used by a subject under arrest against the officer(s) effecting the arrest. Although the resistance offered by the subject is usually physical, the type and amount of resistance an officer meets is determined by the subject's level of intent. The intent of the subject may range from passive resistance to an active, aggressive attack on the officer.

Resistance may be categorized into three broad areas:

- Verbal resistance, i.e., denial to lawful orders of arrest or commands, verbal threats or assaults.
- Physical resistive actions, i.e., passive resistance / defensive resistance / active aggression.
- Aggressive acts against the officer, often leading to severe physical injury.

The officer's reactions to resistance will be based upon his/her perception of the level of resistance. The officer has been trained to use the necessary amount of force to control a subject offering any level of resistance.

A. Psychological Intimidation:

Non-verbal actions, often called body language, often influence an officer's decision on how to approach a subject or what level of force to use if a subject starts to resist an arrest. Non-verbal intimidation actions may include clenching of fists, widening of foot stance, or a blank expression that may warn an officer of an individual's emotional state. These non-verbal intimidation actions often warn an officer of a subject's potential for violence, when the subject has offered no verbal threats. However, an officer's reaction to a subject's non-verbal intimidation signals may be used as justification for attack. An officer who reads the non-verbal signals and believes that physical control is necessary to prevent a subject from injuring self, others, or the officer, may initiate action before any overt moves are made by the subject.

B. Resistive Dialogue:

A subject's dialogue that offers the threat of physical resistance to an officer's commands is not normally considered resistance until he or she physically resists an attack.

However, dialogue in the form of threats of physical injury may influence an officer's opinion as to the amount of force needed to effect control. An offender may boast of his/her fighting skill and his/her intention to injure the officer, or assume a fighting stance such as raised hands or clenched fists.

Verbal threats or psychological threats may influence the officer's judgement to attempt either empty hand control, impact weapons, or even firearms if the subject has a weapon or has such great physical skills that threat of life is real.

The reaction to verbal threats made by a subject may differ from officer to officer. An officer's decision of the level of force necessary to control a subject will be based on his/her perception of the threat and the subject's ability to carry out that threat. An additional factor is the officer's knowledge of his/her own physical ability to manage the threat presented. If the officer believes that he or she does not have sufficient skill to establish control with empty hand methods, he or she has been trained to escalate the level of force.

C. Passive Physical Resistance:

Passive Resistance is the lowest level of physical resistance. The subject resists control through passive, physical actions. At this level, the offender never makes any attempt to defeat the physical contact of the officer. Passive Resistance is usually in the form of a related or "dead weight" posture intended to make the officer lift, pull, or muscle the subject to establish control.

D. Defensive Physical Resistance:

Quite often, officers find themselves confronting a suspect who is physically resisting the officer's attempt to control the subject by directing overt, defensive, physical actions. With this level of resistance, the offender attempts to push or pull away in a manner that does not allow the officer to establish control. However, the subject never attempts to strike the officer.

E. Active Physical Aggression:

Active Physical Aggression occurs when a suspect attacks the officer to defeat attempts of control. The attack is a physical assault on the officer in which the offender strikes or uses techniques in a manner that may result in injury to the officer or others.

F. Aggravated Active Physical Aggression:

Aggravated Active Physical Aggression occurs when a subject uses a level of physical force that the officer usually must use, or at least, is justified in using deadly force. At this level, officers may not only face resistance to an arrest, but also overt, physical actions of force where the subject is assaulting the officer with a weapon, and/or uses techniques or objects which could result in death or great bodily harm to the confronting officer.